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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,189	04/10/2000	Haruki Hanazono	Q58718	2983

7590 12/18/2003

Sughrue mion Zinn Macpeak & Seas PLLC  
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EXAMINER

LAMB, TWYLER MARIE

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/546,189	HANAZONO ET AL.
	Examiner Twyler M. Lamb	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 20 August 2003.
- 2a)  This action is **FINAL**.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 20-22 is/are allowed.
- 6)  Claim(s) 1-6 and 10 is/are rejected.
- 7)  Claim(s) 7-9, 11-19 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a)  All b)  Some \* c)  None of:  
 1.  Certified copies of the priority documents have been received.  
 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a)  The translation of the foreign language provisional application has been received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ .
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## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuroi (US 6,535,292).

With regard to claims 1 and 10, Kuroi discloses a computer readable recording medium (ROM 3) recording thereon a program (document processing program) (col 4, lines 57-62; col 4, line 65 – col 5, line 1), which causes a computer (host computer having CPU 1) to execute: a process operation for successively storing a plurality of a print commands converted from print data into a memory allocated with a certain size (RAM 2) (which reads on assuring a memory area of RAM 2 to store rasterized print image) (col 7, lines 1-5); a process operation for successively reading each of said print command to transmit the read print command to a printing apparatus (printer 1500) (which reads on despooling (reading) the printer control command and transmitting the

printer control command) (col 7, lines 47-50); a process operation for rendering a storage area of said memory where said print command has been stored, rewritable so that another print command converted from said print data can be stored in said area (which reads on the band memory being subsequently initialized and the processing routine being returned to step 1 and goes through the process again {Note: the print request is stored in the band memory}) (col 7, lines 28-31).

With regard to claim 2, Kuroi also discloses said recording medium records thereon a program for causing said computer to execute a process operation by which data for controlling read/write operation of a print command to said memory is produced, and said control data is stored into another storage area of said memory (col 6, lines 30-42).

With regard to claim 3, Kuroi also discloses said recording medium records thereon a program containing size of said memory and a data amount presently stored in said memory as said control data (col 6, lines 53-58).

With regard to claim 4, Kuroi also discloses said recording medium records thereon a program containing information indicative of a position within said memory where said print command is stored as said control data (col 6, lines 53-58).

With regard to claim 5, Hewlett-Packard Company (EP0685819) also discloses said recording medium records thereon a program for causing the computer to further execute; a process operation for acquiring an index indicative of a stored amount of said print command within said memory; and a process operation for stopping a process

operation for storing said print command into the memory when said index is larger than, or equal to a first preset threshold value (page 4, lines 23-30).

With regard to claim 6, Hewlett-Packard Company (EP0685819) also discloses said recording medium records thereon a program for causing the computer to further execute; a process operation for reading said stored print command when said index is smaller than, or equal to a second preset threshold value (page 4, lines 44-48).

### ***Allowable Subject Matter***

4. Claims 20-22 are allowed.
5. Claims 7-9 and 11-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

6. Applicant's arguments filed 8/20/03 have been fully considered but they are not persuasive.

Applicant argues that in claim 1, the area of memory where each of the print commands is read out is made rewritable during the process operation of a plural print commands converted from the same data, and not when the printing operation ends, as taught by Kuroi.

Kuroi discloses in col 7, lines 28-31, that the band memory being subsequently initialized and the processing routine being returned to step 1 and goes through the process again {Note: the print request is stored in the band memory}. This

reads on the area of memory where each of the print commands is read out is made rewritable during the process operation of a plural print commands converted from the same data.

Applicant argues Kuroi releases the memory itself and not the size.

Kuroi releases a band of a RAM, which reads on a particular size of the memory (RAM) being releases.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

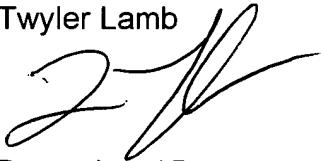
(703) 872-9314

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

Twyler Lamb



December 15, 2003